

United States Bankruptcy Court
Southern District of Ohio
Eastern Division

FILED

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IN RE:

Michael Andrew Neubig

Debtor

Capture Educational Consulting Services Inc.,

Plaintiff

V.

Michael Andrew Neubig

Defendant

Case. 17-54061

RICHARD JONES
ACTING CLERK OF COURT
U.S. BANKRUPTCY COURT
COLUMBUS, OHIO

Chapter 7

Judge C. Kathryn Preston

Adv. Pro. No. 17-02150

Memorandum Contra

Michael Neubig hereby responds to claims made by Capture Educational Consulting Services Inc. in Adv. Pro. No. 17-02150. During the time that the loans A-F referred in Ms. Karas Stencil's affidavit, Mr.

Neubig was CEO of Capture Educational Consulting Services. He was employed in this position

from September 2006- June of 2016. At no time was he made aware or was or is knowledgeable of any

corporate operating agreement in which the taking on of debt required a majority vote of the board of

directors. Therefore, when the company was in need of funds to support operations and payroll, Mr.

Neubig was responsible for acquiring these funds to support the company's needs and did so

appropriately by securing the funds through the loans A-F noted by the plaintiff in this proceeding.

These funds were needed to perform regular business operations and to pay for the needs of the

company in order to continue operations. Mr. Neubig was the only executive as a signer on the business

bank account and the lone operator in charge of ensuring company financial operations.

Any funds that were transferred to Mr. Neubig from those loans were done so in the

regular payroll (the payroll policy and Mr. Neubig's due transfers were established by the existing board of directors in October of 2013). The methodology of bank transfers for Mr. Neubig's payroll existed since the start of the company and was communicated to the board of directors. Therefore, the loans stated in all filings and noted as loans A-F were taken to support company operations and Mr. Neubig's due salary was paid appropriately. Additionally, during this time Mr. Neubig was an acting member of the Capture Educational Consulting Services Board of Directors. As written in the Articles of Corporation, (written and implemented May 20, 2013 by Ms. Karas Stencil) all board members are not liable for any financial claims as long as they are acting within knowing good faith. Mr. Neubig acted appropriately and in good faith given the prior, regular methods and operations of the company and his financial duties at the time. Therefore, for all reasons noted above, the judgement claim of \$306,030 by Capture Educational Consulting Services should be denied and the case dismissed.

Additionally, any claims for the claimed G. Funds Diverted from Capture for Personal use of \$1,033,485.96 claimed to be due to Capture Educational Consulting Services from Mr. Neubig is without Justification or proof and in line with the same facts presented above of Mr. Neubig's due salary and established payroll procedures, as well his protection against claims by Limitation of Liability in the Articles of Corporation should also be denied and dismissed.

Respectfully Submitted,

By: Michael Neubig – Pro Se

 3/5/18

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** This submission is pro-se, but Mr. Neubig will be represented by an attorney to be named in any future proceedings.